

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANGEL PETERSON,

Plaintiff,

No. 17-11733

v.

District Judge Mark A. Goldsmith
Magistrate Judge R. Steven Whalen

ANTHONY STEWARD, ET AL.,

Defendants.

ORDER

On May 31, 2017, Plaintiff Angel Peterson, a prison inmate in the custody of the Michigan Department of Corrections, filed a *pro se* civil complaint alleging claims under 42 U.S.C. § 1983, the Fourteenth Amendment, and the Fair Labor Standards Act [Doc. #1]. On October 17, 2017, she filed an amended complaint correcting the spelling of Defendant Anthony Steward's name, but not otherwise changing the factual or legal allegations [Doc. #7].

Before the Court are Plaintiff's two additional motions to amend her complaint [Doc. #27, and #30]. The motions are identical, and like the previous motion seek to amend the complaint only to correct misnomers or misspellings of a Defendant's name. Specifically, she asks to change the name of the Defendant previously identified as merely "Aramark" to the full, correct name "Aramark Correction Services, LLC." Plaintiff does not propose to add any new Defendants, facts, or claims.

Under Fed.R.Civ.P. 15(a)(2), "[t]he court should freely give leave [to amend] when justice so requires." Rule 15 (c)(1)(C) permits the correction of misnomers, and such amendment will relate back to filing of the original complaint "where the party to be

brought in by the amendment (i) received such notice of the action that it would not be prejudiced in defending on the merits, and (ii) know or should have known that the action would have be brought against it ‘but for a mistake concerning the proper party’s identity’” *Home Quarters Real Estate Group LLC v. Michigan Data Exchange, Inc.*, 2010 WL 1154057, *2 (E.D. Mich. 2010)(Lawson, J.)(quoting Fed.R.Civ.P. 15(c)(1)(C). Here, Defendant Aramark Correction Services, LLC was served with the complaint and has filed a motion to dismiss [Doc. #21], so the requirements of Rule 15(c)(1)(C) have been met.

Therefore, Plaintiff’s motions to amend [Doc. #27 and Doc. #30] are GRANTED such that the name of the Defendant previously identified as “Aramark” will be changed to “Aramark Correction Services, LLC.”

IT IS SO ORDERED.

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: April 20, 2018

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on April 20, 2018, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla
Case Manager to the
Honorable R. Steven Whalen